

Application No. 09/100,799  
Amendment dated August 19, 2003  
Reply to Office Action of May 19, 2003

## **REMARKS**

### **Status Of Application**

Claims 1-41 are pending in the application; the status of the claims is as follows:

Claims 1-9 are withdrawn from consideration.

Claim 39 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,734,427 to Hayashi ("Hayashi").

Claims 10, 11, 15 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of U.S. Patent No. 5,382,976 to Hibbard ("Hibbard").

Claims 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Hibbard, and further in view of U.S. Patent No. 5,990,949 to Haruki ("Haruki").

Claim 41 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Haruki.

Claims 16-38 are allowed.

### **Interview with the Examiner**

On May 15, 2003, an Interview was conducted between Kathy Needleman and Examiner Villecco, wherein the Examiner advised Ms. Needleman that the Final Office Action mailed on May 6, 2003 was improper and it was agreed that a new Non-Final Office Action will be mailed out and that the Final Office Action will be vacated.

Application No. 09/100,799  
Amendment dated August 19, 2003  
Reply to Office Action of May 19, 2003

### **Drawings**

To date, no Notice of Draftsperson's Patent Drawing Review has been received. Applicants respectfully request receipt of this document when it becomes available. Please note that the original drawings filed in the patent application are "formal" drawings.

### **Claim Amendments**

Claims 10 and 39 have been amended to more particularly describe and distinctly claim the subject matter of the invention. Particularly, claims 10 and 39 were amended to include a particular distinguishing characteristic directed to the apparatus executing a first interpolation when displaying the image on a display unit while executing a second interpolation differential from the first interpolation when recording the image. No new matter was added.

### **Allowable Subject Matter**

The allowance of claims 16-38, by the Examiner, is noted with appreciation.

### **35 U.S.C. § 102(e) Rejection**

The rejection of claim 39 under 35 U.S.C. § 102(e) as being anticipated by Hayashi, is respectfully traversed based on the following.

According to claim 39 of the present application, the **interpolating process** is varied depending on whether the captured image is to be displayed or recorded, wherein a first interpolating process is executed when displaying while a second interpolating process different from the first interpolating process is executed when recording.

In contrast, Hayashi discloses that a "processing circuit thins the high-resolution image data output from the imaging device to thereby produce low-resolution image data. The low-resolution image data are output via an output terminal on a real-time basis. An image represented by the low density image data from the output terminal is displayed on

a viewfinder connected to the output terminal and implemented by a video monitor.”  
(*Hayashi*, col. 2, lines 7-14.) That is, interpolation is carried out when the image is to be displayed on a monitor and not carried out when the image data is to be recorded in memory.

According to claim 39 of the present invention, a first interpolating process is executed when displaying while a second interpolating process different from the first interpolating process is executed when recording. Hayashi **does not** disclose that the interpolating process or method changes depending on whether the data is being recorded or displayed. As Hayashi does not disclose every element of claim 39, claim 39 is not anticipated by Hayashi.

Accordingly, it is respectfully requested that the rejection of claim 39 under 35 U.S.C. § 102(e) as being anticipated by Hayashi, be reconsidered and withdrawn.

### **35 U.S.C. § 103(a) Rejections**

The rejection of claims 10, 11, 15 and 40 under 35 U.S.C. § 103(a), as being unpatentable over Hayashi in view of Hibbard, is respectfully traversed based on the following.

Claim 10 requires that the interpolation portion execute a first interpolation when displaying the image data and that the interpolation portion execute a second interpolation different from the first interpolation when the image data is recorded. Additionally, claim 10 requires that a changer change the interpolating process between the first interpolation and the second interpolation depending on whether the data is being recorded by the recorder or whether the image data is being displayed by the display unit.

As discussed above, Hayashi **does not** disclose or suggest that the interpolation portion execute a first interpolation when displaying the image data and that the interpolation portion execute a second interpolation different from the first interpolation

when the image data is recorded. Further, Hayashi does not disclose or suggest that a changer change the **interpolating process** depending on whether the image data is being recorded by the recorder or whether the data is being displayed by the display unit.

Hibbard discloses interpolating color difference values and luminance values for a same set of image data. The technique for interpolation of some luminance values is stated to be adaptive. However, the interpolation method disclosed in Hibbard **does not** vary based on whether the data is being recorded by a recorder or whether the image data is being displayed on a display. That is, Hibbard **does not** disclose or suggest that the interpolation portion execute a first interpolation when displaying the image data and that the interpolation portion execute a second interpolation different from the first interpolation when the image data is recorded. Further, Hibbard does not disclose or suggest a changer for changing the interpolating process depending on whether the data is being recorded by the recorder or whether the image data is being displayed by the display unit.

As neither reference discloses or suggests the same features, those being that the interpolation portion execute a first interpolation when displaying the image data and that the interpolation portion execute a second interpolation different from the first interpolation when the image data is recorded, and a changer adapted to change the interpolating process depending on whether the data is being recorded by the recorder or whether the image data is being displayed by the display unit, claim 10 is not rendered obvious by Hayashi or Hibbard, either singly or in combination.

As claims 11 and 15 depend from non-obvious independent claim 10, they too are not rendered obvious by Hayashi or Hibbard, either singly or in combination.

Claim 40 depends from independent claim 39. Claim 39 requires that the interpolating process be varied depending on whether the captured image is to be displayed or recorded and that a first interpolating process is executed when displaying while a second interpolating process different from the first interpolating process is

executed when recording. As discussed above, neither Hayashi nor Hibbard disclose or suggest that the interpolating process be varied depending on whether the captured image is to be displayed or recorded and that a first interpolating process is executed when displaying while a second interpolating process different from the first interpolating process is executed when recording. Thus, claim 39 is not rendered obvious by Hayashi or Hibbard, either singly or in combination.

Further, with respect to claim 40, Hayashi additionally **fails** to disclose or suggest an interpolating process being performed before recording the image or that a faster interpolation is performed for displaying than for recording. Because claim 39 is not rendered obvious by Hayashi or Hibbard, either singly or in combination, claim 40, which depends therefrom is also not rendered obvious by Hayashi or Hibbard, either singly or in combination.

Accordingly, it is respectfully requested that the rejection of claim 10, 11, 15 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Hibbard, be reconsidered and withdrawn.

The rejection of claims 12-14 under 35 U.S.C. § 103(a), as being unpatentable over Hayashi in view of Hibbard, and further in view of Haruki, is respectfully traversed based on the following.

Claims 12-14 depend from independent claim 10. As discussed above, claim 10 is not rendered obvious by Hayashi and Hibbard, either singly or in combination. Further, with respect to claim 12, neither Hayashi nor Hibbard disclose or suggest a gamma correcting portion for correction of a gradation characteristic between recording and displaying.

Haruki is cited in an attempt to overcome the above inadequacies of Hayashi and Hibbard. However, Haruki **fails** to disclose or suggest that the interpolation portion executes a first interpolation when displaying by the display while executing a second

interpolation different from the first interpolation when recording by the recorder. Haruki further fails to disclose or suggest a changer for changing an interpolating process by the correction portion depending on which one of recording by the recorder and displaying by the display unit is performed.

As none of the above cited references disclose or suggest the same distinct features, that being that the interpolating process be varied depending on whether the captured image is to be displayed or recorded and that a first interpolating process is executed when displaying while a second interpolating process different from the first interpolating process is executed when recording and a changer for changing an interpolating process by the correcting portion depending on which one of recording by the recorder and displaying by the display unit is performed, claim 10 is not rendered obvious by Hayashi, Hibbard, or Haruki, either singly or in combination. Because claims 12-14 depend from non-obvious independent claim 10, they too are not rendered obvious by the cited references, either singly or in combination.

Accordingly, it is respectfully requested that the rejection of claims 12-14 under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Hibbard, and further in view of Haruki, be reconsidered and withdrawn.

The rejection of claim 41 under 35 U.S.C. § 103(a), as being unpatentable over Hayashi in view of Haruki, is respectfully traversed based on the following.

Claim 41 depends directly from independent claim 39. Claim 39 recites the step of varying the interpolating process depending on whether the captured image is to be recorded or displayed, wherein a first interpolating process is executed when displaying while a second interpolating process different from the first interpolating process is executed when recording.

As discussed above, neither Hayashi nor Haruki disclose or suggest varying the interpolating process depending on whether the captured image is to be recorded or

Application No. 09/100,799  
Amendment dated August 19, 2003  
Reply to Office Action of May 19, 2003

displayed, wherein a first interpolating process is executed when displaying while a second interpolating process different from the first interpolating process is executed when recording.

As neither references discloses the same features, that being varying the interpolating process depending on whether the captured image is to be recorded or displayed, wherein a first interpolating process is executed when displaying while a second interpolating process different from the first interpolating process is executed when recording, claim 39, and thereby claim 41, are not rendered obvious by Hayashi or Haruki, either singly or in combination.

Accordingly, it is respectfully requested that the rejection of claim 41 under 35 U.S.C. § 103(a) as being unpatentable over Hayashi in view of Haruki, be reconsidered and withdrawn.

#### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Application No. 09/100,799  
Amendment dated August 19, 2003  
Reply to Office Action of May 19, 2003

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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